

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 469 of 2017

1. Anil Korva, S/o. Late Larang Say Korva, aged about 37 years,
 2. Tambu Korva, S/o. Budhan Korva, aged about 40 years,
 3. Vipin Kujur, S/o. Shri Jems Kujur, aged about 28 years,
 4. Chamku Korva, S/o. Shri Cholo Korva, aged about 27 years,
- All are R/o. Sonbarsha, P.S. - Chando, District – Balrampur-Ramanujganj (C.G.)

----Applicants

Versus

1. State Of Chhattisgarh, Through : Police Station – Samripath, District – Balrampur-Ramanujganj (C.G.)

---- Respondent

For Applicants	: Mr. A.K. Yadav, Advocate
For Respondent/State	: Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/02/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.22/2016, registered at Police Station – Samripath, District – Balrampur (C.G.) for the offence punishable under Section 147, 148, 149, 458, 294, 506, 323, 324, 395, 398 of Indian Penal Code and Section 25 & 27 of Arms Act.
2. Case of the prosecution, in brief, is that on 07.07.2016, the applicants along with other co-accused went to the house of the complainant, Chanku Korwa and demanded Hanuman printed coin, thereafter, assaulted him and the person who tried to intervene is also assaulted and looted Rs.1500/-. Thereby the offence has been committed.
3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case. It is further submitted that

initially when the report was made on 09.07.2016, no allegation of dacoity of Rs.1500/- was made, subsequently, when the statement under Section 161 was recorded, Rs.1500/- was stated to have been looted. It is further submitted that charge-sheet in this case has been filed and the applicants are in jail since 15.07.2016, therefore, the applicants may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Perusal of the FIR do not show that initially the dacoity was alleged. Subsequently it was alleged in the statement under Section 161 of Cr.P.C. Considering the facts and circumstances of the case, the nature of injury which appears to be simple in nature, taking into the totality and the back ground of the case, charge-sheet in this case has been filed and the applicants are in jail since 15.07.2016, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge